

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States Of America,

No. 23-cr-276 (KMM/DLM)

Plaintiff,

v.

ORDER

Ohagi Charles Walker,

Defendant.

On February 8, 2024, United States Magistrate Judge Douglas L. Micko issued a Report and Recommendation (“R&R”) concluding that law enforcement lawfully seized a firearm and ammunition from a vehicle driven by the Defendant Ohagi Charles Walker. R&R (Doc. 39). In reaching that conclusion, Judge Micko found:

- (1) officers observed the vehicle failing to stop at a stop sign and driving faster than the speed limit, thereby providing probable cause to stop the vehicle (citing *United States v. Galtney*, No. 19-cr-332 (MJD/BRT), 2022 WL 16701377, at *2 (D. Minn. Aug. 29, 2022), *R&R adopted*, 2022 WL 1654946 (D. Minn. Oct. 31, 2022));
- (2) officers lawfully ordered the occupants out of the vehicle during the stop (citing *United States v. Gonzalez-Carmona*, 35 F.4th 646, 641 (8th Cir. 2022));
- (3) officers were permitted to look inside the vehicle even after all the occupants had been removed (*United States v. Bynum*, 508 F.3d 1134, 1137 (8th Cir. 2007)); and
- (4) without entering the vehicle and within plain view, officers saw a firearm under the driver’s seat, the incriminating character of which was immediately apparent (citing *United States v. Hatten*, 68 F.3d 257, 261 (8th Cir. 1995)).

R&R at 5–10. Therefore, Judge Micko recommended that Mr. Walker’s motion to suppress evidence (Doc. 18) be denied. Mr. Walker has not objected to the R&R, and the 14-day deadline for doing so has expired.

In reviewing an R&R, the district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). In the absence of objections, the court reviews the R&R for clear error. *United States v. Yennie*, No. 18-CV-3268 (WMW/BRT), 2021 WL 168474, at *1 (D. Minn. Jan. 19, 2021) (citing *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam)).

The Court has carefully reviewed the R&R, the suppression motion and related briefing, and the evidentiary record. Based on that review, the Court agrees with Judge Micko’s conclusion that the evidence was lawfully seized from the vehicle and finds that the R&R is neither clearly erroneous nor contrary to law.

Accordingly, IT IS HEREBY ORDERED that the Report and Recommendation (Doc. 39) is ACCEPTED, and Mr. Walker’s suppression motion (Doc. 18) is DENIED.

Date: **March 26, 2024**

s/ Katherine M. Menendez

Katherine M. Menendez
United States District Judge